

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Tuesday, January 22, 2013 at
6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor Paul M. Rodrigues

Councillor Barbara A. VonVillas, Members Present

Councillor M. Theresa Santos, Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

6:00 P.M. - TOWN REVENUE MANUAL

1. Review and discussion of FY 2014 Budget - Town Revenue Manual

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin the review and discussion of the FY 2014 Budget – Town Revenue Manual.

Also, present were Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

Town Administrator Shawn Brown reviewed FY2014 pre-budget conference handout, entered here:

Discussion centered around tax rate breakdown between residential and commercial properties, senior tax exemption, last Town revaluation, decline in Motor Vehicle tax, increase of meals and beverage tax, pension costs, Town's strategic plan, economic development, community development and water costs.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:50 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:03 pm.

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive

Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

PRESENTATION

3. Memorandum of Middletown Police Chief Anthony M. Pesare, re: Middletown Police swearing in ceremony.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Police Chief Anthony Pesare introduced Probationary Officer Sean P. Twomey. Probationary Officer Twomey was sworn in by the Town

Clerk and pinned by his mother, Karen Twomey.

4. Memorandum of Town Administrator, re: Employee Recognition – Pins of Service Fourth Quarter 2012.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown reviewed the memorandum above. Public Works Director Tom O'Loughlin was present to receive a pin for ten years of service to the Town.

CONSENT

5. Approval of Minutes, re: Regular Meeting, January 7, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.

6. Memorandum of Accounting Manager, thru Finance Director, re: Quarterly Tax Collector's Report as of 12/31/2012 – Town of Middletown.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and report.

7. Communication of Finance Director, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

8. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

9. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

10. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

11. Notice from Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Extension of public comment period for the Deepwater Wind Block Island permit application to construct and maintain the Block Island Wind Farm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice.

12. Notice from Grover J. Fugate, Executive Director, Coastal Resources Management Council, re: Coastal Resources Management Council is in receipt of federal consistency determination for proposed issuance of commercial wind energy leases and approval of site assessment activities within the Wind Energy Area offshore Rhode Island.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice.

13. Communication of Steven W. Pristawa, P.E., Secretary, State Traffic Commission, re: Approval of request for installation of a yield sign for the free right from Aquidneck Avenue north at the intersection with Valley Road.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

14. Memorandum of Town Planner, re: Planning Board Representative to the Tree Commission.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and confirm Betty Jane Northrup-Owen as Planning Board representative to the Tree Commission.

15. Application of Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of the Bingo License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said renewal.

16. Application of Mike Meyers (Meyers Fengold Wedding) for a Special Event Permit Wedding Ceremony to be held at Dunlap-Wheeler Park on July 7, 2013 from 4:00 pm to 8:00 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event permit.

17. Application of McDonald's Restaurant, 288 East Main Road, for

Additional Hours of Operation License for the 2012-2013 licensing year. (NEW; Requires Advertising for Public Hearing and Notice to abutters)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application, advertised for public hearing to be heard on February 19, 2013 and notify abutters.

OTHER COMMUNICATIONS

18. Email communication of Paul Nunes and John Ceglarski, Middletown, re: Relocation of the antenna tower at the Middletown Fire Station complex.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication.

John Ceglarski, 316 Compton View Drive, addressed the Council noting concern regarding the replacement of the communication tower at the Middletown Fire Department; expressing concern that zoning ordinances were disregarded, the height of the tower, safety concerns, and visual impact of the tower. Mr. Ceglarski suggests the tower be moved during Fire Department renovations.

Paul Nunes, 263 Wyatt Road, expressed concern that there was no public input when the tower was being replaced, compliance with zoning ordinances, height of the tower and impact on property values. Mr. Nunes urged the Town Council to take a serious look at relocating the tower to the rear of the Fire Department.

Councillor Rodrigues inquired if the Town is to follow Zoning regulations.

Town Administrator Shawn Brown explained that the Tower was a replacement of the existing radio mast. The Fire station is zoned government which is public safety and does not require zoning or planning review. Mr. Brown explained that in the future there will be

better communication with the neighbors when changes are made.

19. Communication of Walter Elwell, Chair, Eastern Rhode Island Conservation District, with enclosure, re: Requesting support for support ERICD this fiscal year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and direct the Administration to respond to ERICD to submit request for Civic Appropriation during budget time.

TOWN COUNCIL COMMUNICATIONS

20. Memorandum of Vice President Sylvia, re: Navy Land Surplus Property-Update.

Vice President Sylvia reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

21. Communication of Councillor Adams, re: Aquidneck Island Planning Commission (AIPC) discussion.

Councillor Adams reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

TOWN ADMINISTRATOR COMMUNICATIONS

22. (Continued from January 7, 2013, Regular Meeting)

(Continued from December 3, 2012, Regular Meeting)

(Continued from November 5, 2012, Regular Meeting)

Memorandum of Chief Pesare thru Town Administrator, with enclosures, re: Traffic Study of intersection Wolcott Avenue and Reservoir Road.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

23. Memorandum of Town Administrator, with enclosures, re: Intersection – Wolcott Avenue & Reservoir Road.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Town Engineer Warren Hall reviewed the following:

Discussion centered around traffic flow on Wolcott Avenue (including seasonal traffic), reducing the road signs and markings (which reduces costs), hedge height on residential property (addressed in zoning ordinance) and no changes to speed limit.

Town Administrator Shawn Brown noted that neighbors will be notified of the upcoming changes to Wolcott Avenue signage and of the ordinance reading dates.

24. Memorandum of Town Administrator, with enclosures, re: Contract for Architectural Services Related to Fire Station Renovation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Manuel Mello, 3 Beacon Terrace North, addressed the Council noting opposition of the addition to the Fire department, expressing concern that there has been no public input regarding the facility. Mr. Mello suggests a second floor be placed on the facility.

Town Administrator Shawn Brown, responding to Mr. Mello explained that a second floor cannot be constructed on the facility.

Town Administrator Shawn Brown reviewed the memorandum above.

Town Solicitor Michael W. Miller suggested that an amendment be made to the resolution referencing the standard AIA contract.

Councillor Rodrigues inquired clarification of the PPV Special Revenue Fund, contractor insurance and if there will be opportunity for public input regarding the facility.

Town Administrator Shawn Brown noted that the PPV Special Revenue Fund will pay for the project, the contractor is required to supply a bond and a request will be made to the Fire Chief to set up an additional meeting for public input on the project.

25. Resolution of the Council, re: Award of Contract for Architectural Services Related to Fire Station Renovation and Authorizing the Town Administrator to execute said agreement.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution, amended modifications to the contract (referencing amendment to AIA contract), as noted by the Town Solicitor, as amended.

26. Memorandum of Town Administrator, re: Revised Legislative Agenda – Proposed.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Long requested to add to the Legislative Agenda if a newly created Board & Turnpike Authority is created, Middletown have a representative place on the board.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve the Revised Legislative Agenda and direct the Administration to prepare a resolution to be passed at the next regular meeting of the Council, to be held on February 4, 2013.

APPOINTMENTS TO BOARDS & COMMITTEES

27. Appointment of five (5) members to the Middletown Beach Commission; two (2) for terms expiring November 2013 and three (3) for terms expiring November 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint John W. Bagwill, term expiring November 2013, to reappoint David P. Leys, term expiring November 2014, to reappoint M. William Seiple, term expiring November 2014, to reappoint Rian M. Wilkinson, term expiring November 2014 and to appoint Henry Pine, term expiring November 2013 to the Middletown Beach Commission.

28. Appointment of two (2) members of the Economic Development Advisory Committee for terms expiring January 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Joseph A. Cirillo and reappoint Thomas

Kowalczyk to the Economic Advisory Committee for terms expiring January 2016.

29. Appointment of one (1) member to the Library Board of Trustees for a term expiring September 2015.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Susan J. Hester to the Library Board of Trustees for a term expiring September 2015.

30. Appointment of one (1) member to the Open Space and Fields Committee for a term expiring November 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Edward Sisk to the Open Space and Fields Committee for a term expiring November 2014.

31. Appointment of one (1) member to the Pension Trust Fund Committee for a term expiring February 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Peter Damon to the Pension Trust Fund Committee for a term expiring February 2016.

32. Appointment of three (3) members to the Senior Citizens Board of Directors for terms expiring January 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Joan M. Gilleran, reappoint Alice M. Whitney and appoint John W. Lewis, III to the Senior Citizens Board for terms expiring January 2016.

33. Appointment of one (1) member to the Tree Commission for a term expiring January 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint William J. DiMarco to the Tree Commission for a term expiring January 2016.

34. Appointment of four (4) members to the Planning Board; three (3) for terms expiring February 2016 and one (1) to complete a term expiring February 2014. (Council must decide if applicants will be interviewed)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue the appointments to the Planning Board to February 19, 2013 and direct the Town Clerk to schedule interviews for all applicants to the board, prior to the 7:00 pm regular meeting.

35. Appointment of one (1) member to the Middletown Board of Canvassers for a term expiring March 2018. (Bi-partisan Board – See State Law Attached)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said appointment to the March 4, 2013, regular meeting of the Council.

36. Adoption of Council Rules, as amended.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said Council Rules, as amended.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to adjourn at 8:17 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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